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## THE WEBB LAW FIRM

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FACSIMILE INFORMATION SHEET

## RESPONSE UNDER 37 C.F.R. §1.116

## EXPEDITED PROCEDURE

## GROUP ART UNIT 1617

Name of Individual: MAIL STOP AF  
Commissioner for PatentsCompany: United States Patent and Trademark Office  
City and State: Alexandria, VA

Facsimile Number: 703-872-9306

From: Kirk M. Miles, Esquire

Total Number of Pages: 18

Date Transmitted: May 10, 2005  
CV01382K US  
Client No.: 4686 File No.: 045584Message: Application No. 10/057,629  
Inventors: Harry R. Davis  
Filed: January 25, 2002  
Title: USE OF SUBSTITUTED AZETIDINONE COMPOUNDS FOR THE TREATMENT OF  
SITOSTEROLEMIA

05/11/2005 AKELECHI 00000052 230650 10057629  
01-FE-1006 180.00-04

Transmittal Form (1p)  
Fee Transmittal 1p. (2x)  
Supplemental Information Disclosure  
Statement (2pp)  
Information Disclosure Statement (1p)  
Cited Art (9pp)

If you do not receive all pages, please call back as soon as possible. The number is (412) 471-8815.

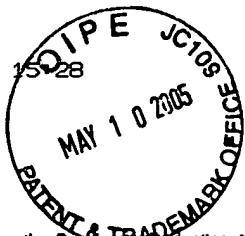
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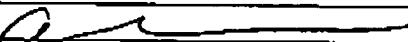
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<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>		Application Number	10/057,629
		Filing Date	January 25, 2002
		First Named Inventor	Harry R. Davis
		Art Unit	1617
		Examiner Name	San Ming R. Hui
Total Number of Pages in This Submission	17	Attorney Docket Number	CV01382K US - 4686-045584

**ENCLOSURES (Check all that apply)**

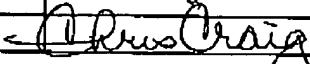
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication To Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please Identify below)
<u>Remarks</u>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Or Individual name	Ann M. Cannon The Webb Law Firm
Signature	
Date	May 10, 2005

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Chris Craig
Signature	
	Date 05/10/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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P.04

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818)FEE TRANSMITTAL  
For FY 2005 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

Complete if Known

Application Number	10/057,629
Filing Date	January 25, 2002
First Named Inventor	Harry R. Davis et al.
Examiner Name	San Ming R. Hui
Art Unit	1617
Attorney Docket No.	CV01382K US/4686-045584

## METHOD OF PAYMENT (check all that apply)

 Check  Credit Card  Money Order  None  Other (please identify): Deposit Account Deposit Account Number: 23-0650 Deposit Account Name: The Webb Law Firm

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

 Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee Charge any additional fee(s) or underpayments of fee(s)  
Under 37 CFR 1.16 and 1.17 Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

## 2. EXCESS CLAIM FEES

## Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

Small Entity

Fee (\$)

Fee (\$)

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

Fee (\$)

Fee (\$)

Multiple dependent claims

Fee (\$)

Fee (\$)

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=	

HP = highest number of total claims paid for, if greater than 20

## Multiple Dependent Claims

Fee (\$)

Fee Paid (\$)

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number)	x	=

## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Information Disclosure Statement \$180.00

Fee Paid (\$)

180.00

## SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	35,972	Telephone	412-471-8815
Name (Print/Type)	Ann M. Cannon			Date	May 10, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAY 10 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Harry R. Davis et al.

Group Art Unit: 1617

Application No.: 10/057,629

Examiner: San Ming R. Hui

Filed: January 25, 2002

Case No.: CV01382K US

For: Use of Substituted Azetidinone  
Compounds for the Treatment  
Of Sitosterolemia

Date: May 9, 2005

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

(a) Pursuant to the duty of disclosure under 37 C.F.R. § 1.56, it is requested that the documents listed on the accompanying Form PTO-1449 be considered and made of record in the above-identified patent application. Copy(ies) of these documents  are enclosed  were filed in related U.S. Application No(s) \_\_\_\_\_ filed \_\_\_\_\_, respectively.

(b) No fee is believed to be due because:

- This Information Disclosure Statement is being submitted concurrently with the filing of the above-identified application; or
- This Information Disclosure Statement is being submitted within three (3) months of the filing date of the above-identified application; or
- This Information Disclosure Statement is being submitted concurrently with a Request for Continued Examination (RCE); or
- This Information Disclosure Statement is being submitted prior to the mailing of a first Office Action on the merits.

(c)  This Information Disclosure Statement is being submitted before the mailing date of any final action, notice of allowance, or an action that otherwise closes prosecution; and:

- Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in

(W0185900.1)

PAGE 5/18 \* RCV'D AT 5/10/2005 3:20:09 PM [Eastern Daylight Time] \* SVR:USPTO-EXRF-1/1 \* DNIS:8729306 \* CSID: \* DURATION (mm:ss):12:08

05/11/2005 AKELECH1 00000052 10057629

01 FC:1806 180.00 DA

Application No. 10/057,629  
Filing Date: January 25, 2002  
Paper Dated: May 9, 2005  
Page 2 of 2

§ 1.56(c), more than three months prior to the filing of this Information Disclosure Statement; or

The Commissioner is hereby authorized to charge the requisite fee listed on the attached Fee Transmittal Sheet.

(d)  This Information Disclosure Statement is being submitted on or before the payment of the issue fee; and:

Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or

No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c), more than three months prior to the filing of this Information Disclosure Statement; and

The Commissioner is hereby authorized to charge the requisite fee listed on the attached Fee Transmittal Sheet.

The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 23-0650.

Respectfully submitted,

Dated: May 9, 2005  
The Webb Law Firm  
436 Seventh Avenue  
700 Koppers Building  
Pittsburgh, PA 15219  
Telephone No.: (412) 471-8815  
Facsimile No.: (412) 471-4094

By:

  
Name: Ann Marie Cannoni  
Reg. No. 35,972



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Harry R. Davis et al.

Application No.: 10/057,629

Filed: January 25, 2002

For: Use of Substituted Azetidinone  
Compounds for the Treatment  
Of Sitosterolemia

Group Art Unit: 1617

Examiner: San Ming R. Hui

Case No.: CV01382K US

Date: May 9, 2005

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

(a) Pursuant to the duty of disclosure under 37 C.F.R. § 1.56, it is requested that the documents listed on the accompanying Form PTO-1449 be considered and made of record in the above-identified patent application. Copy(ies) of these documents  are enclosed  were filed in related U.S. Application No(s) \_\_\_\_\_ filed \_\_\_\_\_, respectively.

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Application No. 10/057,629  
Filing Date: January 25, 2002  
Paper Dated: May 9, 2005  
Page 2 of 2

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No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c), more than three months prior to the filing of this Information Disclosure Statement; and

The Commissioner is hereby authorized to charge the requisite fee listed on the attached Fee Transmittal Sheet.

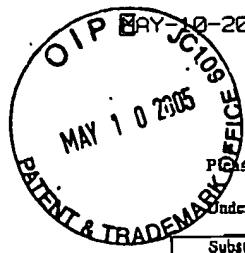
The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 23-0650.

Respectfully submitted,

By:

  
Name: Ann Marie Cannon  
Reg. No. 35,972

Dated: May 9, 2005  
The Webb Law Firm  
436 Seventh Avenue  
700 Koppers Building  
Pittsburgh, PA 15219  
Telephone No.: (412) 471-8815  
Facsimile No.: (412) 471-4094



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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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<p>Substitute for Form 1449A/PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p>(use as many sheets as necessary)</p>				<p>Complete If Known</p> <table border="1"> <tr> <td>Application Number</td> <td>10/057,629</td> </tr> <tr> <td>Filing Date</td> <td>January 25, 2002</td> </tr> <tr> <td>First Named Inventor</td> <td>Harry R. Davis et al.</td> </tr> <tr> <td>Group Art Unit</td> <td>1617</td> </tr> <tr> <td>Examiner Name</td> <td>San Ming R. Hui</td> </tr> <tr> <td>Attorney Docket Number</td> <td>CV01382KUS/4686-045584</td> </tr> </table>		Application Number	10/057,629	Filing Date	January 25, 2002	First Named Inventor	Harry R. Davis et al.	Group Art Unit	1617	Examiner Name	San Ming R. Hui	Attorney Docket Number	CV01382KUS/4686-045584
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Attorney Docket Number	CV01382KUS/4686-045584																
Sheet	1	of	1														

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

<b>Examiner Signature</b>		<b>Date Considered</b>	
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**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached *Kinds of U.S. Patent Documents*. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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{WO185893.11}